

21st Century Community Learning Centers Program

Instructions for Completing an Application for a Grant

**Dr. Rick Melmer, Secretary
South Dakota Department of Education
Pierre, SD 57501-2291**

**Applications Due:
February 17, 2006**

Deliver to:
South Dakota Department of Education
21st Century Community Learning Centers
Attn: Sue Burgard
700 Governors Drive
Pierre, SD 57501-2291

**21st CENTURY COMMUNITY LEARNING CENTERS PROGRAM
APPLICATION PACKAGE**

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What is the 21st Century Community Learning Centers Program?

The 21st Century Community Learning Centers Program was established by Congress as Title IV, Part B of the Elementary and Secondary Education Act (ESEA).

The 21st Century Community Learning Centers (21st CCLC) program will provide communities the ability to develop or expand on out-of-school time programs. These programs will give students opportunities for academic enrichment and provide a broad array of additional services, including youth development activities, drug and violence prevention programs, counseling programs, and art, music, recreation, technology education and character education programs that are designed to reinforce and complement the regular academic program. The 21st CCLCs will also benefit the families of eligible students by providing opportunities for literacy and related educational development.

The 21st CCLC program provides grants to programs that serve students that attend high poverty schools or schools that are eligible for schoolwide Title I programs, to enable them to plan, implement, or expand projects that benefit the educational, health, social services, cultural and recreational needs of the students and their families. 21st CCLCs enable communities to use public schools, or other facilities that are “at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school” as community education centers providing academic enrichment, homework centers and tutors, keeping children safe after school and a range of cultural, developmental and recreational opportunities. Existing 21st CCLCs in South Dakota provide safe, drug-free, supervised, before and afterschool, weekend or summer havens for children, youth and their families.

Threshold eligibility is established by law; however, in addition to the threshold poverty requirement, there are priorities for programs. One such priority is for programs that will provide services to students and their families who attend schools that have been identified as Title I Program Improvement Schools for at least the prior school year and projects that are submitted jointly by at least one LEA receiving funds under Title I, part A, and a community organization. Special consideration will be given to applicants that have established working relationships with other programs including: Refugee School Impact Program, Drug Free Schools programs, Head Start, Early Head Start, OJJDP funded programs and USDA Child Nutrition Programs.

What is the definition of a 21st Century Community Learning Center?

A Community Learning Center is an entity ***within a public elementary, middle or secondary school building, or equally accessible and available building***, that (1) provides educational, recreational, health, and social service programs for students from high poverty schools and the families of those students within a local community, and (2) is operated by the grantee in conjunction with local governmental agencies, businesses, vocational education programs, institutions of higher education, community colleges, local educational agencies (LEA), and cultural, recreational, and other community and human service entities. An LEA—usually synonymous with a school district—is an entity that is legally responsible within a state for providing public education to elementary and secondary students. The full definition of this term is set out in section 9101(26) of the No Child Left Behind Act.

Who is eligible to receive grants?

Eligible applicants are those who primarily serve students (and the families of those students) that attend high poverty schools or schools that are eligible for schoolwide Title I programs. 21st Century Community Learning Centers Programs must, by statutory definition, be located in public school facilities or in facilities that are at least as available and accessible to the students to be served as if the program were located in an elementary, middle, or secondary school. Applicants must demonstrate that they meet the statutory program requirements of primarily serving students from:

1. Schools eligible for schoolwide Title I programs; or
2. Schools with 40% or greater poverty based upon free and reduced lunch numbers as determined using verified information.

South Dakota has determined that a program is “primarily” serving eligible students when at least fifty-one percent of the students served at a site are from eligible schools.

Are there requirements for licensure if the applicant receives a 21st CCLC grant?

According to SDCL 26-6-14 (7), all before and after school programs are required to be licensed, regardless of funding source, to assure they meet minimum health and fire and life safety standards. SDCL 26-6-27 does allow for an exemption for tutoring programs that strictly assist children with school work. For additional clarification contact Carroll Forsch at 1-800-227-3020.

Must an applicant collaborate with schools or other organizations?

Yes. Applicants must collaborate, to the extent possible, with LEAs, public and nonprofit agencies and organizations, businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges or universities), recreational, cultural, and other community service entities. Furthermore, non-LEA applicants must include “an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students attend.”

What is the definition of a “community-based organization”?

As defined in section 9101(6) of the “No Child Left Behind Act” the term ‘community-based organization’ means a “public or private nonprofit organization of demonstrated effectiveness that (A) is representative of a community or significant segments of a community; and (B) provides educational or related services to individuals in the community.”

What will be the time period, size and number of grants?

Time period: 21st Century Community Learning Center grants are for a period of five years. The grant will run from July 1-June 30 of each fiscal year. Continuation award letters are sent out annually.

Size of grants: The range of grant awards will be a minimum of \$50,000 but not to exceed \$100,000 per year. An applicant with more than one site seeking to participate in this program is encouraged to submit a single application on their behalf, although

applicants for very large populations may consider submitting more than one application, e.g., separate applications for school clusters in different neighborhoods. The statute does not allow consideration for funding for any application that requests less than \$50,000

Number of grants: The State of South Dakota estimates awarding up to nine grants.

What kinds of program activities are required?

Applicants must propose an array of *inclusive* and *supervised services* that include expanded learning opportunities (such as enriched instruction, tutoring, or homework assistance) for children. Applicants may also include a variety of other activities for children and community members, such as recreation; musical and artistic activities; health and nutrition programs; parent education classes; GED preparation; adult literacy courses; and opportunities to use advanced technology, particularly for those who do not have access to computers or telecommunications at home.

To receive a grant under this program, applicants must provide services that address the absolute priorities and must address at least four of the program activities stated in the law, as described below:

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|--|---|
| (1) provide academic enrichment and remedial activities to students to help the students meet state and local standards in the core content areas, including reading, math, and science; as well as to improve their overall academic achievement; | education programs; |
| (2) mathematics and science education activities; | (7) programs that provide after school activities for limited English proficient students that emphasize language skills and academic achievement; |
| (3) arts and music education activities; | (8) telecommunications and technology education programs; |
| (4) entrepreneurial education programs; | (9) expanded library service hours; |
| (5) tutoring services (including those provided by senior citizen volunteers) and mentoring programs; | (10) programs that promote parental involvement and family literacy; |
| (6) drug and violence prevention programs, counseling programs, and character | (11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement; and |
| | (12) recreational activities. |

Projects must offer programs that serve the families of participating students, are aligned to state school performance and content standards, comply with best practices and if appropriate, are scientifically based, meet the principles of effectiveness, and can be measured in terms of performance objectives and are calculated to achieve the intended outcomes.

Applicants are reminded of their obligation under Section 504 of the Rehabilitation Act to ensure that their proposed community learning center program is accessible to persons with disabilities and must comply with the equitable participation requirements of section 9501 for children attending private schools.

What priorities apply to this competition?

The Department shall give priority to those applications that:

1. Target services to students who attend schools that have been identified as in need of improvement;
2. Comprise organizations submitting a joint application consisting of an LEA receiving funds under Title I Part A and at least one community based organization or other public or private entity. An exception to this required priority is made to LEAs that do not have qualified community organizations within reasonable geographic proximity.

The Department strongly encourages applications for projects that will meet the two criteria set out below; however, an application that meets these invitational priorities does not receive competitive or absolute preference over other applications.

1. Serve student populations that are at risk, including students from high poverty areas; students with limited English proficiency; and students who, due to other considerations, (such as high rates of juvenile crime, school violence, and student drug abuse, but lack the resources to establish afterschool centers) are recognized as not achieving at the level of other students.
2. Promote parental involvement through program implementation.

What selection criteria apply to this competition?

Five criteria will be used to evaluate applications for funding. The relative weight for each criterion is indicated in parentheses. The intent in this section is to identify the selection criteria and help applicants understand how it will be applied during the review process. Each selection criterion is presented in bold type below and followed by supporting guidance regarding how the criterion applies to this competition. The peer reviewers of the applications will use these criteria to guide the reviews, so it is in your interest to be familiar with them.

1) Need for project (25 points)

The extent to which the students at the site(s) are in need of the services and/or are at risk of educational failure.

Describe the needs of the proposed target population (for example: Are the students to be served attending a school that is in the program improvement category? Are the students exposed to factors that place them at risk of failing to achieve success in school such as poverty, limited English proficiency, dropout rates, truancy, juvenile delinquency rates or unmet child care needs? Are the students in need of academic improvement based upon individual performance?).

2) Quality of project design (35 points)

(A) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(B) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(C) The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing services to the target population.

(D). The extent to which the results of the evaluation requirements will be used to refine, improve, and strengthen the program.

Awards will be made to projects that demonstrate they are of high quality. Project quality will be based upon:

1. The project's clearly defined goals, objectives, and outcomes; the proposed measurement of these goals, objectives, and outcomes; and the ability to show a direct relation between the goals, objectives, and outcomes to the state's academic achievement standards and whether the programs will result in academic improvement in math and reading.
2. Whether the project design will meet the needs of the target population.
3. Whether the project will stimulate development and coordination among appropriate organizations that are also serving the target population.
4. Whether the project includes cooperation with other organizations, including schools, community-based organizations, etc.
5. The extent to which families of students were involved in developing the application and are anticipated to participate in the project.
6. Whether the project has identified and clearly explained a feasible plan for sustainability once funding under the 21st CCLC program is no longer available.

7. The comprehensiveness of the program offerings, the duration of the program, and the length of time each week the program will be operating.
8. Whether the applicant, or the applicant's partner, has had prior success in an out-of-school setting.
9. The degree to which information from evaluation tools will be used to refine and improve programming. (Successful applicants will be required to participate in the 21st CCLC profile and Performance Information Collection System ((PPICS)). An annual report to the State will also be required. Programs whose attendees consistently fail to meet performance standards will be provided with additional technical assistance or considered for fund reduction as appropriate.) Applicants are also welcome to consider additional evaluation locally.

3) Adequacy of resources (10 points)

(A).The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organizations.

(B).The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

Adequacy of project resources will be determined by considering the project's ability to provide facilities, transportation, equipment, supplies, and staff that will result in a high quality program. Applicants will be required to make all assurances required by statute, including the assurance that funds obtained under this program supplement and do not supplant "other Federal, State and local public funds." Considerations will include:

1. Population to be served and the needs of the population.
2. Whether the facilities, equipment, and transportation meet required state health, safety, and fire code standards.
3. The reasonableness of cost in relation to the number of persons to be served.
4. The reasonableness of costs in relation to the expected outcomes.
5. If using alternate sites, whether the project location is at least as available and accessible to the students to be served as if the program were located in an elementary, middle, or secondary school and whether the applicant has addressed transportation to and from the site.
6. If to fund an existing program, whether funds will supplement and not supplant current federal, state or local funds.
7. If assessing a fee, whether there is an effective process for assuring families are not prevented from participating due to financial considerations.

Keep in mind the following statute:

According to SDCL 26-6-14 (7), all before and after school programs are required to be licensed, regardless of funding source, to assure they meet minimum health and fire and life safety standards. SDCL 26-6-27 does allow for an exemption for tutoring programs that strictly assist children with school work. For additional clarification contact Carroll Forsch at 1-800-227-3020

4) Quality of the management plan (25 points)

(A) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(B) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

This component will be measured based upon the management plan provided in the grant. A quality management plan will include, at a minimum, a detailed budget; staffing needs and the qualifications and responsibilities of the staff; timelines for achieving clearly delineated objectives; how the applicant will assure a diversity of perspectives are considered in the management of the project; whether the applicant has had proven success with out-of school programs and academic achievement in the past; the plan for sustainability and how it will be achieved; the level of participation of school administrators; and the type, quality, and quantity of initial and ongoing staff training and how that training will be provided and funded. In addition, the management plan should demonstrate the clear management responsibilities of the partners to the application. Applicants must also be required to address how student and family privacy rights will be assured.

5) Cooperation and participation with other entities in the community as well as coordination of state and federal programs. (5points)

Under this component, project applicants will be required to demonstrate that they have established collaborations among various community organizations, including school day programs, school management, businesses, faith based organizations, juvenile justice programs, youth groups, law enforcement, and state and federal programs. Applicants may demonstrate how the receipt of 21st CCLC funding will result in better coordination among other programs including: Title I, Title IV Part A Subpart 1, USDA Child Nutrition Programs, TANF, Head Start, Early Head Start, and JJDPA-funded programs. Applicants will demonstrate strength of cooperation by showing they have the support of upper level administrators of the cooperating entities and that they have consulted with those who will conduct the work of the project.

What reports are required from grantees?

Each year, grantees must submit an *Annual Performance Report (APR)* that describes project activities, accomplishments, and outcomes. This evaluation is the 21st CCLC Profile and Performance Information Collection System (PPICS). The purposes of this evaluation are to (1) demonstrate that substantial progress has been made toward meeting the objectives of the project as outlined in the grant application, and (2) collect data that addresses the performance indicators for the 21st Century Community Learning Center program.

Data collected on the PPICS includes information about goals; partnering organizations; time of operation; staff, activities provided; attendees (drop-ins and regular attendees); and comparison test score data in the areas of reading and math (Advanced, proficient, basic, and below basic).

Grantees also must submit an annual report to the state which includes current data on programming, staffing, and possible changes in original plan. An end of the year financial report is also required.

What federal regulations apply to this program?

The following regulations are applicable to the 21st Century Community Learning Centers Program: Part 76-State-Administered programs, Part 77- Definitions that Apply to Department Regulations, Part 80-Uniform Administrative Requirements for the Grants and Cooperative Agreements to States and Local Governments, Part 82-New Restrictions on Lobbying, Part 85, Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants), Part 99-Family Educational Rights and Privacy. The EDGAR regulations can be found on the United States Department of Education website: http://www.ed.gov/policy/fund/reg/edgarReg/edlite-edgar_apxa.html. In addition, applicants must comply with applicable state laws that may include teacher certification requirements, childcare licensing requirements, transportation requirements and state and local health, safety and fire codes.

What are the components of a high-quality after-school program?

According to the U.S. Department of Education publication *Working for Children and Families: Safe and Smart Afterschool Programs*, eight components are generally present in high-quality after-school programs. The eight components are:

- Goal Setting, Strong Management, and Sustainability
- Quality After-school Staffing
- Attention to Safety, Health, and Nutrition Issues
- Enriching Learning Opportunities
- Linkages between School-Day and Afterschool Personnel
- Evaluation of Program Progress and Effectiveness
- Strong Involvement of Families
- Effective Partnerships with Community-Based Organizations, Juvenile Justice Agencies, Law Enforcement, and Youth Groups

How do I prepare an application for a 21st Century Community Learning Centers grant?

Carefully read the entire application, instructions, and the Non-Regulatory Guidance and review the application forms before beginning to prepare an application. These documents identify who is eligible to apply under this competition, what applicants must propose, what must be contained in an application, and what criteria will be used to evaluate applications. A completed application must contain the following sections, in the order provided below.

1. **Cover Page.**
2. **Program Summary and Abstract.** The applicant must provide the contact information and descriptive information requested. The abstract should briefly describe the community needs being addressed, including the participants to be served, the objectives and the activities proposed to meet them, and the intended outcomes. If there is not enough room on this form to provide all the required information, the applicant may include a continuation page.
3. **Table of Contents** (This is not part of the form). Include a one-page table of contents.
4. **Program Narrative.** (This is not part of the form). **Applicants must limit the application narrative to no more than 20 double-spaced, standard-type pages.** In the experience of the federally administered program, reviewers have found that applicants can successfully describe their programs within this limit. In preparing the Program Narrative, applicants should keep in mind the selection criteria that will be used to evaluate applications, and ensure that each of these criteria is addressed. Applications should describe how activities are designed to assist students to meet or exceed state and local standards in reading and mathematics, as appropriate to each child. Applications must also describe how they will collaborate with schools, community-based organizations and other agencies. Section §4204 of the statute (see Appendix I) describes some other factors applicants must address in their applications. Each application submitted must include—
 - (A) a description of the before and after school or summer recess activities to be funded, including—
 - I. an assurance that the program will take place in a safe and easily accessible facility;
 - II. a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home; and
 - III. a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;
 - (B) a description of how the activity is expected to improve student academic achievement;
 - (C) an identification of federal, state, and local programs that will be combined or coordinated with the proposed program to make the most effective use of public resources;

- (D) an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students attend;
- (E) a description of how the activities will meet the principles of effectiveness described in section 4205(b) (see Appendix I);
- (F) an assurance that the program will primarily target students who attend schools eligible for school-wide programs under section 1114 or high poverty schools and the families of such students;
- (G) an assurance that funds under this part will be used to increase the level of state, local, and other non- federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;
- (H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;
- (I) an evaluation of the community needs and available resources for the community learning center and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);
- (J) a demonstration that the eligible entity has experience, or promise of success, in providing educational and related activities that will complement and enhance the academic performance, achievement, and positive youth development of the students including, in the case of an existing 21st CCLC, submission of the most recent APR;
- (K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;
- (L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;
- (M) if the eligible entity plans to use senior volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified seniors to serve as the volunteers;
- (N) if the program plans to charge a fee, a description of how it will assure that eligible individuals are not prevented from participating due to their financial condition;
- (O) a description of how the program will provide for transportation; and
- (P) such other information and assurances as the State educational agency may reasonably require.

5. Site List and Demographics

6. **Budget and Budget Narrative.** Use the Budget form in the application packet to provide a complete budget summary **for each year of the project**. A **narrative is also required** that explains: (1) the basis for estimating the costs of salaries, benefits, project staff travel, materials and supplies, consultants and subcontracts, indirect costs, and any projected expenditures; (2) how the major cost items relate to the proposed activities; and (3) a detailed description, as applicable, explaining in-kind support or funding provided by partners in the project. Additional instructions are provided on the form.

Carryover Restriction: An organization will be permitted to carryover from its allocation an amount not to exceed 25%. If there are funds to carry over, the organization must request this carry over each year this occurs along with a new budget including the regular amount budgeted as well as the additional funds being requested to be carried over. This provision may be denied by the SEA if the SEA determines that a grantee is not making substantial progress.

7. **Assurances.** Carefully read, sign and date the assurances.

8. **Appendix.** Each application may be accompanied by an appendix, limited to the following:

- a) A list of consortium members or partners. List all consortia members or partners, contact persons, and their addresses, telephone and fax numbers and e-mail addresses. Letters of commitment and other evidence of cooperation such as agreements should be included in this section of the Appendix to clearly document the role and contribution of each member.
- b) Evidence of previous success. Include a brief summary of any evaluation studies, reports, or research that may document the effectiveness or success of the consortium or the activities/services proposed in the narrative section of the application.
- c) Equitable Access and Participation. GEPA section 427 requires every applicant (other than an individual person) to include in its application a description of the steps the applicant proposes to ensure **equitable access** to, and participation in, its federally assisted program for students, teachers, and other program beneficiaries with special needs. Explain how information about the program and its location will be disseminated as well as assurances that eligible, targeted students attending private schools will be included as participants. Instructions about how an applicant may comply with these requirements are provided in Appendix II.

Other attachments to the application are strongly discouraged! Reviewers will have a limited time to review applications, and their consideration of the application against the selection criteria will focus on the sections of the application and the appendix listed above. Supplementary materials such as videotapes, CD-ROMs, files on disks, publications, press clippings, testimonial letters, etc., will not be reviewed nor will they be returned to the applicant.

How do I submit an application?

The deadline for transmitting applications is **February 17, 2006**. All applications must be received or **postmarked on or before** that date. This closing date and procedures for guaranteeing timely submission will be strictly observed. **No supplemental or revised information from applicants—including letters of recommendation mailed separately—will be accepted after the closing date, or after an application has been submitted. An original and four complete copies must be submitted.** Applications may be delivered by mail, courier or hand before the deadline date. We encourage applicants to carefully review the procedures for submitting their materials.

All applicants must submit one signed original and four additional copies of the entire application. Applicants are also encouraged to submit all copies of the application together in one package, to ensure that the same application is not logged more than once. **Do not send your application, or copies of your application, to any other Office within the Department of Education.** Applications submitted by mail must be sent to the following address:

South Dakota Department of Education
21st Century Community Learning Centers
Attn: Sue Burgard
700 Governors Drive
Pierre, SD 57501-2291

To **prove that an application was transmitted in a timely manner**, an application must show proof of mailing consisting of one of the following:

1. A legibly dated U.S. Postal Service postmark.
2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
3. A dated shipping label, invoice, or receipt from a commercial carrier.
4. Any other proof of mailing acceptable to the Department of Education.

If an application is sent through the U.S. Postal Service, the Secretary **does not** accept either of the following as proof of mailing:

1. A private metered postmark, or
2. A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. Applicants are encouraged to use registered or first-class mail. Each late applicant will be notified that its application will not be considered. **Applications delivered by hand or by courier service** must be taken to:

South Dakota Department of Education
21st Century Community Learning Centers
Attn: Sue Burgard
700 Governors Drive
Pierre, SD 57501-2291

The Department will accept deliveries between **8:00 am and 5:00 pm (CST)** daily except Saturdays, Sundays, and State holidays. In order for an application sent through a courier service to be considered timely, the courier service must be in receipt of the application on or before the closing date of February 17, 2006. All applicants submitting applications in a timely manner will receive a **Grant Application Receipt Acknowledgment by mail/e-mail**. If you fail to receive a notification of application receipt within thirty (30) days from the closing date, call Sue Burgard at (605) 773-5238.

APPLICATION CHECKLIST AND REQUIRED FORMS

One original and four copies of the application are due by February 17, 2006.

A complete application must include, *in the order given below*, the following sections:

_____ **Cover Page**
_____ **Table of Contents**
_____ **Program Summary and Abstract**
_____ **Program Narrative**
_____ **Budget**
_____ **Budget Narrative**
_____ **Assurances**
_____ **Appendix**

Other attachments to the application are strongly discouraged! Reviewers will have a limited time to review applications, and their consideration of the application against the selection criteria will focus on the sections of the application and the appendix listed above. Supplementary materials such as videotapes, CD-ROMs, files on disks, publications, press clippings, testimonial letters, etc., will not be reviewed nor will they be returned to the applicant.

This form is for your own use and should not be submitted with your application!

NOTE: THE GRANT APPLICATION FORM MAY BE DOWNLOADED FROM THE WEB
<http://doe.sd.gov/oess/21cent/appprocess.asp>.

“Instructions for Completing an Application for a Grant” and the “Non-Regulatory Guidance” from the U.S. Department of Education are available at that site. These two documents do not contain the required application form. The application form is a separate link on that page.

Technical assistance is available from: Sue Burgard
21st CCLC Grant Coordinator
700 Governors Drive
Pierre, SD 57501
605-773-5238
sue.burgard@state.sd.us

Appendix

I. The Statute

II. Requirements of GEPA 427

APPENDIX I. The Federal Statute

TITLE IV, PART B — 21st Century Community Learning Centers

SEC. 4201. PURPOSE; DEFINITIONS.

(a) **PURPOSE-** The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that--

- (1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics;
- (2) offer students a broad array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; and
- (3) offer families of students served by community learning centers opportunities for literacy and related educational development.

(b) **DEFINITIONS-** In this part:

(1) **COMMUNITY LEARNING CENTER-** The term 'community learning center' means an entity that--

- (A) assists students in meeting State and local academic achievement standards in core academic subjects, such as reading and mathematics, by providing the students with opportunities for academic enrichment activities and a broad array of other activities (such as drug and violence prevention, counseling, art, music, recreation, technology, and character education programs) during nonschool hours or periods when school is not in session (such as before and after school or during summer recess) that reinforce and complement the regular academic programs of the schools attended by the students served; and
- (B) offers families of students served by such center opportunities for literacy and related educational development.

(2) **COVERED PROGRAM-** The term 'covered program' means a program for which--

- (A) the Secretary made a grant under part I of title X (as such part was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and
- (B) the grant period had not ended on that date of enactment.

(3) **ELIGIBLE ENTITY-** The term 'eligible entity' means a local educational agency, community-based organization, another public or private entity, or a consortium of two or more of such agencies, organizations, or entities.

(4) **STATE-** The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 4202. ALLOTMENTS TO STATES.

(a) **RESERVATION-** From the funds appropriated under section 4206 for any fiscal year, the Secretary shall reserve--

- (1) such amount as may be necessary to make continuation awards to grant recipients under covered programs (under the terms of those grants);

(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Affairs, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

(b) STATE ALLOTMENTS-

(1) DETERMINATION- From the funds appropriated under section 4206 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

(2) REALLOTMENT OF UNUSED FUNDS- If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this section.

(c) STATE USE OF FUNDS-

(1) IN GENERAL- Each State that receives an allotment under this part shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 4204.

(2) STATE ADMINISTRATION- A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for--

(A) the administrative costs of carrying out its responsibilities under this part;

(B) establishing and implementing a peer review process for grant applications described in section 4204(b) (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and supervising the awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

(3) STATE ACTIVITIES- A State educational agency may use not more than 3 percent of the amount made available to the State under subsection (b) for the following activities:

(A) Monitoring and evaluation of programs and activities assisted under this part.

(B) Providing capacity building, training, and technical assistance under this part.

(C) Comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

(D) Providing training and technical assistance to eligible entities who are applicants for or recipients of awards under this part.

SEC. 4203. STATE APPLICATION.

(a) IN GENERAL- In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that--

(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

(3) contains an assurance that the State educational agency will make awards under this part only to eligible entities that propose to serve--

(A) students who primarily attend--

(i) schools eligible for schoolwide programs under section 1114; or

(ii) schools that serve a high percentage of students from low-income families; and

(B) the families of students described in subparagraph (A);

(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet local content and student academic achievement standards;

(5) describes how the State educational agency will ensure that awards made under this part are--

(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

(B) in amounts that are consistent with section 4204(h);

(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, and dissemination of promising practices;

(7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

(8) contains an assurance that the State educational agency--

(A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and

(B) will require each eligible entity seeking such an award to submit a plan describing how the community learning center to be funded through the award will continue after funding under this part ends;

(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 4204(b) how the transportation needs of participating students will be addressed;

(11) provides an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer school) programs, the heads of the State health and mental health agencies or their designees, and representatives of teachers, parents, students, the business community, and community-based organizations;

(12) describes the results of the State's needs and resources assessment for before and after school activities, which shall be based on the results of on-going State evaluation activities;

(13) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum--

(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities; and

(B) public dissemination of the evaluations of programs and activities carried out under this part; and

(14) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

(b) **DEEMED APPROVAL**- An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

(c) **DISAPPROVAL**- The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and opportunity for a hearing.

(d) **NOTIFICATION**- If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall--

(1) give the State educational agency notice and an opportunity for a hearing; and

(2) notify the State educational agency of the finding of noncompliance, and, in such notification, shall--

(A) cite the specific provisions in the application that are not in compliance; and

(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(e) **RESPONSE**- If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of--

(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

(2) the expiration of the 120-day period described in subsection (b).

(f) **FAILURE TO RESPOND**- If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

SEC. 4204. LOCAL COMPETITIVE GRANT PROGRAM.

(a) **IN GENERAL**- A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to eligible entities for community learning centers in accordance with this part.

(b) **APPLICATION**-

(1) **IN GENERAL**- To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

(2) **CONTENTS**- Each application submitted under paragraph (1) shall include--

- (A) a description of the before and after school or summer recess activities to be funded, including--
- (i) an assurance that the program will take place in a safe and easily accessible facility;
 - (ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home; and
 - (iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;
- (B) a description of how the activity is expected to improve student academic achievement;
- (C) an identification of Federal, State, and local programs that will be combined or coordinated with the proposed program to make the most effective use of public resources;
- (D) an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students attend;
- (E) a description of how the activities will meet the principles of effectiveness described in section 4205(b);
- (F) an assurance that the program will primarily target students who attend schools eligible for schoolwide programs under section 1114 and the families of such students;
- (G) an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;
- (H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;
- (I) an evaluation of the community needs and available resources for the community learning center and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);
- (J) a demonstration that the eligible entity has experience, or promise of success, in providing educational and related activities that will complement and enhance the academic performance, achievement, and positive youth development of the students;
- (K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;
- (L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;
- (M) if the eligible entity plans to use senior volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified seniors to serve as the volunteers; and
- (N) such other information and assurances as the State educational agency may reasonably require.

(c) **APPROVAL OF CERTAIN APPLICATIONS-** The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

(d) **PERMISSIVE LOCAL MATCH-**

(1) **IN GENERAL-** A State educational agency may require an eligible entity to match funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal or State funds.

(2) **SLIDING SCALE-** The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account--

(A) the relative poverty of the population to be targeted by the eligible entity; and

(B) the ability of the eligible entity to obtain such matching funds.

(3) **IN-KIND CONTRIBUTIONS-** Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

(4) **CONSIDERATION-** Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive awards under this part.

(e) **PEER REVIEW-** In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

(f) **GEOGRAPHIC DIVERSITY-** To the extent practicable, a State educational agency shall distribute funds under this part equitably among geographic areas within the State, including urban and rural communities.

(g) **DURATION OF AWARDS-** Grants under this part may be awarded for a period of not less than 3 years and not more than 5 years.

(h) **AMOUNT OF AWARDS-** A grant awarded under this part may not be made in an amount that is less than \$50,000.

(i) **PRIORITY-**

(1) **IN GENERAL-** In awarding grants under this part, a State educational agency shall give priority to applications--

(A) proposing to target services to students who attend schools that have been identified as in need of improvement under section 1116; and

(B) submitted jointly by eligible entities consisting of not less than 1--

(i) local educational agency receiving funds under part A of title I; and

(ii) community-based organization or other public or private entity.

(2) **SPECIAL RULE-** The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

SEC. 4205. LOCAL ACTIVITIES.

(a) **AUTHORIZED ACTIVITIES-** Each eligible entity that receives an award under this part may use the award funds to carry out a broad array of before and after school activities (including during summer recess periods) that advance student academic achievement, including--

- (1) remedial education activities and academic enrichment learning programs, including providing additional assistance to students to allow the students to improve their academic achievement;
- (2) mathematics and science education activities;
- (3) arts and music education activities;
- (4) entrepreneurial education programs;
- (5) tutoring services (including those provided by senior citizen volunteers) and mentoring programs;
- (6) programs that provide after school activities for limited English proficient students that emphasize language skills and academic achievement;
- (7) recreational activities;
- (8) telecommunications and technology education programs;
- (9) expanded library service hours;
- (10) programs that promote parental involvement and family literacy;
- (11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement; and
- (12) drug and violence prevention programs, counseling programs, and character education programs.

(b) **PRINCIPLES OF EFFECTIVENESS-**

- (1) **IN GENERAL-** For a program or activity developed pursuant to this part to meet the principles of effectiveness, such program or activity shall--
 - (A) be based upon an assessment of objective data regarding the need for before and after school programs (including during summer recess periods) and activities in the schools and communities;
 - (B) be based upon an established set of performance measures aimed at ensuring the availability of high quality academic enrichment opportunities; and
 - (C) if appropriate, be based upon scientifically based research that provides evidence that the program or activity will help students meet the State and local student academic achievement standards.

(2) **PERIODIC EVALUATION-**

- (A) **IN GENERAL-** The program or activity shall undergo a periodic evaluation to assess its progress toward achieving its goal of providing high quality opportunities for academic enrichment.
- (B) **USE OF RESULTS-** The results of evaluations under subparagraph (A) shall be--
 - (i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures; and
 - (ii) made available to the public upon request, with public notice of such availability provided.

SEC. 9501. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(a) **PRIVATE SCHOOL PARTICIPATION-**

- (1) **IN GENERAL-** Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency,

consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES

OR BENEFITS- Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

(3) SPECIAL RULE- Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

(4) EXPENDITURES- Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

(5) PROVISION OF SERVICES- An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations and institutions.

APPENDIX II. Requirements of GEPA 427

Requirements of GEPA 427

OMB Control No. 1801-0004 (Exp. 8/31/2001)

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs.

This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

- (1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.
- (2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audiotape or in Braille for students who are blind.
- (3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

Many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.